

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MAURICE EMILE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-974
)	Judge Gary L. Lancaster/
SCI-PITTSBURGH, and PENNSYLVANIA)	Magistrate Judge Lisa Pupo
DEPARTMENT OF CORRECTIONS,)	Lenihan
)	
Defendants.)	Doc. Nos.49 & 50
)	

MEMORANDUM ORDER

By order dated August 18, 2006, this court directed Plaintiff to file an second amended complaint, and to name in the caption of that second amended complaint, the four individuals as defendants whom he had named in the body of the amended complaint (i.e, Doc. 17). The order gave Plaintiff until September 16, 2006 in which to file the second amended complaint. On August 30, 2006, Plaintiff filed a motion (Doc. 49) for appointment of counsel and a stay of the proceedings until counsel is appointed, and a renewed motion for leave to file an amended complaint (to apparently add other claims) and a motion requesting this Court to direct the clerk to send to Plaintiff a copy of his amended complaint, i.e., Doc. 17. On September 18, 2006, Plaintiff filed another motion (Doc. 50), nearly identical to the earlier motion but in addition, requesting an extension of time in which to file his second amended complaint, which he claims he cannot do without

a copy of the amended complaint (Doc. 17). Accordingly, the following order is entered.

It is hereby ordered that Plaintiff's motion filed at Doc. No. 49 is **DENIED in toto**.

It is further ordered that Plaintiff's motion filed at Doc. No. 50 is **GRANTED IN PART AND DENIED IN PART**. Plaintiff's request for an extension of time in which to file the second amended complaint as directed to do in this court's earlier order, i.e., Doc. 48, is **GRANTED**. Plaintiff is given an extension of time until November 19, 2006 in which to file his second amended complaint. As a courtesy, a copy of his amended complaint (Doc. 17), which Plaintiff requested, accompanies this order. In all other respects, Plaintiff's motion is **DENIED**.

In accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(A), and Local Rule 72.1.3, the parties are allowed ten (10) days from the date of service to file an appeal from this order to the District Court. Any opposing party shall have seven (7) days from the date of service of the appeal to respond thereto. Failure to timely file an appeal may constitute a waiver of any appellate rights.

9-21-06


The Honorable Lisa Pupo Lenihan
United States Magistrate Judge

cc: Gary L. Lancaster
United States District Court Judge

Maurice Emile
DX1483
PO Box A
Cresson, PA 16699

Christian D. Bareford
Mary Lynch Friedline
Office of the Attorney General
564 Forbes Avenue
6th Floor, Manor Complex
Pittsburgh, PA 15219